

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157
Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

April 01, 2024

Gabriel Mirabal
USP - Lee
P.O. Box 305
Jonesville, VA 24263
#72300-051

RE: 24-2048, United States v. Mirabal
Dist/Ag docket: 1:18-CV-01024-WJ-JHR, 1:13-CR-01152-WJ-KBM-1

Dear Appellant:

The court has received and docketed your appeal. Please note your case number above.

Pro se parties must complete and file an entry of appearance form within thirty days of the date of this letter.

In addition, all counselled entities that are required to file a Federal Rule of Appellate Procedure 26.1 disclosure statement must do so **within 14 days of the date of this letter**. All parties must refer to Federal Rule of Appellate Procedure 26.1 and Tenth Circuit Rule 26.1 for applicable disclosure requirements. A disclosure statement must be filed even if there is nothing to disclose. Rule 26.1 disclosure statements must be promptly updated as necessary. *See* 10th Cir. R. 26.1(A).

Attorneys must complete and file an entry of appearance and certificate of interested parties within 14 days of the date of this letter. *See* 10th Cir. R. 46.1(A) and (D). An attorney who fails to enter an appearance within that time frame will be removed from the service list for this case, and there may be other ramifications under the rules. If an appellee does not wish to participate in the appeal, a notice of non-participation should be filed via ECF as soon as possible. The notice should also indicate whether counsel wishes to continue receiving notice or service of orders issued in the case.

Please note that a separate fee is due for initiating an appeal to the circuit court. You are required to pay the \$605.00 fee (\$5.00 filing fee and \$600.00 docket fee) to the district clerk or file an application for leave to proceed on appeal without prepayment of fees with the district court within 30 days of the date of this letter, or this appeal may be dismissed without further notice. *See* Fed. R. App. P. 3(e) and 10th Cir. R. 3.3(B).

Prisoners are reminded that to invoke the prison mailbox rule they must file with each pleading a declaration in compliance with 28 U.S.C. Section 1746 or a notarized statement, either of which must set forth the date of deposit with prison officials and must also state that first-class postage has been prepaid. *See* Fed. R. App. P. 4(c) and *United States v. Ceballos-Martinez*, 358 F.3d 732, *revised and superseded*, 371 F.3d 713 (10th Cir.), *reh'g denied en banc*, 387 F.3d 1140 (10th Cir.), *cert. denied*, 125 S. Ct. 624 (2004). Prisoners should also review carefully Federal Rule of Appellate Procedure 4(c)(1), which was amended December 1, 2023.

You will receive further instructions regarding prosecution of this appeal from the court within the next few weeks.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Wolpert', with a long horizontal line extending to the right.

Christopher M. Wolpert
Clerk of Court

cc: Nora Wilson

CMW/lg